

**MARTIN LUTHER KING, JR. NATIONAL MEMORIAL**  
Tidal Basin, West Potomac Park  
Washington, D.C.

Finding of No Significant Impact

**AUG 29 2008**

The National Park Service has submitted preliminary and final site and building plans for the Martin Luther King, Jr. National Memorial in Washington, D.C. including a visitor support building, the realignment of West Basin Drive, and perimeter security bollards. We are not addressing the perimeter security bollards at this time.

Pursuant to Section 10 of the Commission's Environmental Policies and Procedures, I have evaluated the preliminary and final site and building plans for the proposed construction of the Martin Luther King, Jr. National Memorial in Washington, D.C., as shown on NCPC Map File No. 1.51(73.10)-42593, including the Environmental Assessment (EA) prepared by the National Park Service in July Of 2005 and project submission materials and comments received since that time. I find that the Environmental Assessment (EA) of July 2005 and the project submission materials and comments received for the project including the visitor support building and the realignment of West Basin Drive but not including the perimeter security bollards are adequate to establish that the project would not significantly affect the human environment with the mitigation established in that EA and through design revisions to date that are documented in the project submission materials.

The District of Columbia State Historic Preservation Officer has reviewed the plans in accordance with the National Historic Preservation Act, Section 106 requirements including the visitor support building

and the realignment of West Basin Drive and the perimeter security bollards, and has determined the project has an adverse effect but that the changes to cultural components of the environment are very limited and are adequately addressed by a National Historic Preservation Act, Section 106 review completed by the District of Columbia Historic Preservation Office and the further stipulations of the Memorandum of Agreement, dated August 25, 2008.

Consequently, after review of the 2005 Environmental Assessment, project submission materials, and comments received to date, I have determined pursuant to Section 102(2)(C) of the National Environmental Policy Act, the Council on Environmental Quality Regulations (40 CFR, Parts 1500-1508), and NCPC's Environmental and Historic Preservation Policies and Procedures that the project including the visitor support building and the realignment of West Basin Drive but not including the perimeter security bollards would not significantly affect the quality of the human environment.



Marcel Acosta  
Executive Director

### Background

The National Park Service has submitted preliminary and final site and building plans for the Martin Luther King, Jr. National Memorial in Washington, D.C. including a visitor support building, the realignment of West Basin Drive, and perimeter security bollards. We are not addressing the perimeter security bollards at this time.

The three main elements of the preliminary and final design for the Martin Luther King, Jr. National Memorial include the *Mountain of Despair*, the curved *Inscription Wall* forming the main plaza area of the memorial interior, and the *Stone of Hope* that features the likeness of Dr. King centered within the plaza. The preliminary and final plans submitted for the National

Memorial complete the Commission's design review of the memorial including the Visitor Support Building with its full layout design and finishes and the realignment of West Basin Drive.

After review of the National Park Service's July 2005 Environmental Assessment (EA), project submission materials and comments received to date, NCPC staff finds that the preliminary and final design of the memorial including the visitor support building and the realignment of West Basin Drive but not including the perimeter security bollards does not constitute any appreciable change to the potential environmental effects and related mitigation outlined in the project's July 2005 Environmental Assessment (EA) adopted by the Commission in November 2005.

The submitted design maintains mitigation actions defined by the NEPA analysis of the EA. The concept issues of height of the berm and viewshed effects from that feature to and from the memorial have been addressed by the preliminary design implementation and in the further progress of the National Historic Preservation Act Section 106 Consultation process. The evaluation by staff of the location of the Visitor Support Building finds the 14-foot building height and the use of large expanses of glass and exterior material finishes maintains the EA conclusions that the structure be small in scale and discreet. The EA specifically notes "An attractively designed structure located in the southwest corner of the site would enhance visitor comfort and could also be used to house ranger or interpretive functions. Such a facility should be unobtrusive in scale, with a height similar to the memorial berm and a footprint of 1,750 square feet (approximately 1 percent of the site area)." The final design of the visitor support building, at 2,932.5 square feet, is 1.9 percent of the memorial area and 1.6 percent of the complete project work site area. Staff finds the variation of the preliminary and final design within the range of normally seen modification and refinement of building plans, and within less than one percent difference in overall project area. The site of the visitor support facility has changed as a result of both consultation and the July 2008 Commission action, in part to minimize potential impacts to the remainder of the memorial site and to the Tidal Basin. Consequently, there are no appreciable changes to the environmental outcomes relative to the visitor support facility size and location.

The 2005 EA notes that visitors to the memorial would generate the need for a variety of on-site services, including restroom and interpretive facilities. Given that the nearest restrooms would be located more than 750 and 1,000 feet away at the World War II and FDR Memorials, respectively, numerous memorial visitors would be inconvenienced and discomforted by a lack of restroom facilities at the new memorial. Members of the public also testified in front of the Commission that public restrooms would be needed as part of the memorial development. Further, the EA notes that memorial visitors typically desire a bookstore or interpretive ranger to learn more about the subject matter. The EA cites that such facilities would be inconsistent with the design parameters established for the site under a previous NPS policy that emphasized centralized restrooms in the Mall area and goes on to suggest that a facility with restrooms and interpretive functions would be appropriate mitigation in the project site selection process as the memorial would attract more than 1.2 million visitors annually. Additionally, NCPC's review of the project in December 2005 noted that the Park Service was reconsidering that policy in regard to this memorial.

Relative to its present location, as noted to all consulting parties under the NHPA Section 106 process, the Commission of Fine Arts (CFA) requested the Visitor Support Building be re-sited in April 2008. The CFA endorsed the relocation of the visitor support facility northward to be closer to the memorial entrance. The members were critical of its earlier scale and location at the

southwest, and also the building layout with its separated two-structure configuration, with an open shade-court centered between the walled buildings. CFA recommended consolidating the program into a single smaller building.

In context to the building location near the forecourt entrance, the 2005 EA examines the viewshed area of West Potomac Park and observes: “Since the existing visual permeability of the site is limited and varies according to the vegetative cover and season, the quality of existing views across the site also varies. With the proposed memorial, current filtered views to the Tidal Basin from Independence Avenue would be screened, particularly for motorists. However, views through the site would still be available to pedestrians who could experience the entry vista and other views that the memorial would offer.” Staff found the EA evaluation applicable to the Visitor Support Building area as it is adjacent to West Basin Drive and the memorial’s forecourt. The preliminary and final site plans for the building maintain the character of varied vegetation screening and filtered views from Independence Avenue and West Potomac Park. Much of the existing vegetation northwest of the building is existing trees and shrubs adjacent to Independence Avenue. Thus, no change in the definition of the impact’s context or intensity occurs as a result of the building location and the overall anticipated impacts as described by the existing EA. Thus, the NCPC finding established from the EA in 2005 remains unchanged.

The National Park Service August 2008 Finding of No Significant Impact notes the EA analysis of forecourt pedestrian pathways and access to the memorial remains applicable. The nature, size, and location of the memorial forecourt and the memorial side entry walks remains the same as the earlier designs for the memorial developed in concert with the design that was reviewed by the 2005 EA. The 2005 NCPC finding noted that the hardscape features of the memorial will not be significantly discernable. The review underscored that the existing views from the Jefferson Memorial, in the direction of the Martin Luther King, Jr. National Memorial, include the foreground expanse of the Tidal Basin, the large deciduous trees that rise above the new memorial site, and the upper portions of the Lincoln Memorial in the distant background.

The NCPC had adopted the Environmental Assessment, prepared in cooperation with the National Park Service, in November 2005 to assist in decision-making by evaluating the potential impacts on the environment of the proposed project. That environmental documentation is consistent with the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality (CEQ) regulations implementing NEPA [40 Code of Federal Regulations (CFR) 1500-1508], the National Historic Preservation Act (NHPA) of 1966, as amended, and NCPC’s Environmental and Historic Preservation Policies and Procedures.

The District of Columbia State Historic Preservation Office (DC-SHPO) has reviewed and completed its analysis of the project determining there is an adverse effect resulting from the undertaking, but that it is limited and being minimized. The DC-SHPO has issued its concurrence with the stipulations of the Memorandum of Agreement, as required by Section 106 of the National Historic Preservation Act, and has completed compliance reviews for the project.

The NCPC will announce its updated finding on the project in compliance with NEPA on its website with the availability of the Finding of No Significant Impact (FONSI). The EA, and comments about the EA analysis, are information that is made available for review at NCPC offices in compliance with the requirements of the National Environmental Policy Act (NEPA) and the Commission’s implementing Environmental and Historic Preservation Policies.

NCPC's requirements for a FONSI are set forth in the Environmental and Historic Preservation Policies and Procedures at Section 10(E).

### The proposed action

The proposed action is the approval of the preliminary and final project design for the Martin Luther King, Jr. National Memorial. The submitted preliminary and final plans complete the design direction for the following elements of the memorial:

- The *Stone of Hope*, which features the relief sculpture of Dr. King, maintains its approved elevation of 30 feet-9 inches in height, and has been completely designed as to its method of construction and its base composition and placement within the plaza pavement. Final elevation design of the sculpture and physical details of the image, including its latest minor revisions in stone, are provided in the submission.
- The final building plans for the Visitor Support Building are completed with its areas for public restrooms, a bookstore, utilities operation and storage, and Park ranger visitor contact station.
- The memorial planting design has been slightly modified at the forecourt to introduce three Red Maple trees at each side of the forecourt to provide more shade to the overall forecourt area.
- The memorial final site design incorporates a curved alignment for West Basin Drive that has been accepted by the District of Columbia State Historic Preservation Officer and other review agencies as the approach for vehicle access along the west perimeter of the memorial. The curved alignment is a feature established under the Section 106 consultation process and adheres to the stipulations of the Memorandum of Agreement.

### Potential impacts

NCPC staff has found no significant or adverse environmental impacts with the proposed action as implemented in the final design and that adheres to stipulations of the Section 106 Memorandum of Agreement. Minor temporary impacts, earlier identified by the 2005 EA, exist that are short term construction effects addressed by mitigation through project design and construction process actions. These are implemented in the final project plans. The short-term mitigation provisions included in the submitted memorial project design are:

- Site grading will be balanced to the extent possible to minimize the need for importing or exporting soils during construction, and no storage of soil will be allowed on site. Ground settlement that may occur due to fill and loading would be controlled to an acceptable level by engineering techniques such as control of compaction, subgrade modification, and foundation design.
- Erosion and sedimentation control plans and a stormwater management plan have been prepared within the design and will be implemented by the project contractor. Additional permit plans will be submitted to the District of Columbia Department of Consumer and Regulatory Affairs (DCRA). The erosion and sedimentation control plan would include measures to prevent erosion of cleared areas.

- Stormwater runoff collection and roadway drainage systems are upgraded by the demolition and replacement of failing on-site pipeline and appurtenances.
- To minimize the short-term impacts from tree and other vegetation removal, phased construction of ground surfaces will occur to minimize vegetation and ground surface exposure.
- Control construction-related noise at the source, through implementation of best management practices in construction specification requirements, as necessary to meet the District of Columbia noise standards.

Changes to cultural components of the environment are limited and are addressed by a National Historic Preservation Act, Section 106 review that has completed by the District of Columbia Historic Preservation Office. The Memorandum of Agreement is complete and has been signed by the National Park Service, the DC-SHPO, and the Advisory Council on Historic Preservation.

#### Standard for evaluation

Under NEPA, the Council on Environmental Quality (CEQ) regulations, and NCPC Environmental and Historic Preservation Policies and Procedures, an EA is sufficient and an Environmental Impact Statement need not be prepared if the EA supports a finding that the federal action will not significantly affect the human environment. The regulations of the Council on Environmental Quality define “significantly” as used in NEPA as requiring consideration of both context and intensity of impacts as noted by 40 CFR §1508.27.

Applying the standards and factors, the Executive Director must make the assessment of whether approval of the submitted project design will “significantly” affect the human environment based on the EA and the mitigation specified by the EA. As to the factor of the context, this is a site-specific action, and the Executive Director looks at the effects on the locale. In regard to intensity, with the mitigation specified in the EA and exhibited in the design drawings, the action poses a minor range of activity and does not present any major or significant adverse effects.